



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: January 12, 2005 REPORT NO. HO 05-008

ATTENTION: Hearing Officer

SUBJECT: McNEILL MAP WAIVER - PROJECT NUMBER: 40274

LOCATION: 743 Balboa Court

APPLICANT: Michael S. and Lee McNeill

SUMMARY

Requested Action - Should the Hearing Officer approve a Map Waiver and Waiver of Undergrounding No. 114479 to convert two dwelling units under construction to condominium ownership on a 0.074 acre site at 743 Balboa Court?

Staff Recommendation -

1. APPROVE Map Waiver and Waiver of Undergrounding No. 114479

Community Planning Group Recommendation – On July 25, 2004, the Mission Beach Precise Planning Board voted 10-1-0 to support the project application.

Environmental Review - The project is categorically exempt from CEQA per Article 19, Section 15301 (k), Existing Facilities.

BACKGROUND

The subject property, located at 743 Balboa Court between Mission Boulevard and Strandway, is a 3,233 square-foot site zoned R-S within the boundaries of the Mission Beach Precise Plan and Planned District. The site is within the Coastal Overlay Zone (State Jurisdiction), the Coastal Height Limit Overlay Zone, Airport Environs and the Beach Parking Impact area. The project site contains a two-story, two dwelling unit, 3,518 square-foot building under construction with off-street

parking spaces accessible from the alley to the rear. Compliance with all applicable land development regulations was evaluated with approvals and development of the site for the construction now occurring.

The project application was deemed complete on June 22, 2004, following the adoption of the Amendments of Chapter 14, Article 2, Division 13, Sections 142.1303 and 142.1306 of the San Diego Municipal Code, all relating to Inclusionary Affordable Housing Regulations and is therefore required to conform with these requirements. The project is not subject to the City's 'Coastal Overlay Zone Affordable Housing Replacement' regulations as no units have been occupied.

DISCUSSION

The project site is located in Block 2-S of the City's Undergrounding Master Plan and a schedule for undergrounding has been determined by the City Council for undergrounding in the year 2008. San Diego Municipal Code Section 144.0240, allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the subdivision, or within the abutting public rights-of-way. City staff has determined the undergrounding waiver request qualifies under the Guidelines of Council Policy 600-25, *Undergrounding Conversion of Utility Lines at the Developers Expense*, in that it involves a short span of under 600-feet, would not represent a logical extension to an undergrounding facility and is a condominium conversion application. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision.

The San Diego Housing Commission and City staffs have determined that the conversion of the two dwelling units is subject to the Inclusionary Housing Ordinance. As such, the applicant is required to pay an in-lieu fee to the Housing Commission prior to the filing of a Certificate of Compliance to satisfy the Inclusionary Housing Ordinance. There are no relocation requirements of the Condo Conversion Ordinance as the units are under construction and have not been occupied.

In conclusion, this approval would enable the property owner to sell the two residential units as condominiums, for the entitlement being a change in ownership only.

ALTERNATIVES

1. Approve Map Waiver and Waiver of Undergrounding No. 114479 with modifications.
2. Deny Map Waiver and Waiver of Undergrounding No. 114479 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Robert Korch, Development Project Manager

Attachments:

1. Aerial Photograph
2. Project Location Map
3. Project Data Sheet
4. Project Plans (Hearing Officer only)
5. Draft Map Conditions and Subdivision Resolution
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement
8. Project Chronology